
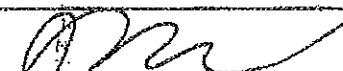


Appendix XII-B1

 CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERKS OFFICE ONLY	
		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CD <input type="checkbox"/> CA	CHG/CK NO.
ATTORNEY/PRO SE NAME Jose D. Roman, Esq.		TELEPHONE NUMBER (732) 679-3777	COUNTY OF VENUE Ocean
FIRM NAME (if applicable) Powell & Roman, LLC		DOCKET NUMBER (when available)	
OFFICE ADDRESS 131 White Oak Lane Old Bridge, NJ 08857		DOCUMENT TYPE Verified Complaint	
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Marie Curto, Diana Lusardi and Steve Lusardi, Plaintiffs		CAPTION Curto v. A Country Place Condominium Association, Inc., et al.	
CASE TYPE NUMBER (See reverse side for listing) 005 & 618	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION Case involves important issues under Federal Fair Housing Act and New Jersey Law Against Discrimination.			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).			
ATTORNEY SIGNATURE: 			

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 592 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 536 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 335 CONSTRUCTION
- 599 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 166 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETAXAREDA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 301 ASBESTOS |
| 289 REGLAN | 323 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

José D. Román, Esq. -- 017162002

POWELL & ROMAN, LLC

131 White Oak Lane

Old Bridge, New Jersey 08857

(732) 679-3777

Attorneys for Plaintiffs Marie Curto, Diana Lusardi and Steve Lusardi

MARIE CURTO, DIANA LUSARDI and
STEVE LUSARDI,

Plaintiffs,

v.

A COUNTRY PLACE CONDOMINIUM
ASSOCIATION, INC., ABC CORP. 1 to
10, and JOHN DOE 1 to 10.

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY
DOCKET NO.:

Civil Action

VERIFIED COMPLAINT

Plaintiffs Marie Curto, Diana Lusardi and Steve Lusardi residing in the Township of Lakewood, in the County of Ocean and State of New Jersey says by way of Complaint.

FACTUAL BACKGROUND

1. Defendant A Country Place Condominium Association, Inc. is a non-profit corporation organized under the laws of the State of New Jersey.
 2. Defendant A Country Place Condominium Association governs a condominium community located in the Township of Lakewood, New Jersey.
 3. Defendant A Country Place Condominium Association is subject to the laws, regulations and ordinances of the United States, the State of New Jersey and the Township of Lakewood.
-

4. Defendant A Country Place Condominium Association is subject to the its substantively lawful and lawfully passed Master Deeds of file, by-laws and its rules and regulations.

5. Defendant A Country Place Condominium Association maintains a business office at Recreation Building, South Lake Drive, Lakewood, New Jersey.

6. Defendants ABC Corp. 1 to 10 and John Doe 1 to 10 are fictitiously named persons and entities who engaged in the unlawful and unauthorized conduct outlined in this complaint who are presently unknown or who may later be joined in this action as a necessary party.

7. Plaintiff Steve Lusardi is 69 years old and is a resident in a condominium complex known as A Country Place in the Township of Lakewood, New Jersey.

8. Plaintiff Steve Lusardi resides with his wife, Plaintiff Diana Lusardi, who is 70 years old and their son Jason Lusardi.

9. Plaintiffs Steve Lusardi and Diana Lusardi are unit owners with an address of 1 C Carnation Drive, Lakewood, NJ 08701.

10. Approximately 15 years ago Plaintiffs Steve Lusardi and Diana Lusardi were residents of A Country Place for a period of about 8 years, and during that time they used the community pool regularly.

11. During that time there were no set hours and anyone could use the pool at any time.

12. Subsequently Plaintiffs Steve Lusardi and Diana Lusardi moved out of Lakewood.

13. In June 2013 Plaintiffs Steve Lusardi and Diana Lusardi moved back to A Country Place to their current residence.

14. When they moved in they could use the pool at any time while it was open.

15. One of the reasons they purchased their current residence was so they could use the pool as husband and wife.

16. Plaintiffs Diana Lusardi had two strokes in early 2013 and she is disabled.

17. It was Plaintiffs Steve Lusardi and Diana Lusardi specific intention to conduct "pool therapy" as rehabilitation due to the strokes.

18. Plaintiffs all pay a monthly maintenance fee of \$215.00 per unit, which includes use of the pool.

19. Beginning in 2015 the Board of Directors for A Country Place began segregating pool hours by gender.

20. This year in the late spring/early summer 2016 the Board of Directors of A Country Place Condominium Association instituted a "Pool schedule and rules for Summer 2016." (A true and accurate copy is attached as Exhibit A.)

21. The rules provide that the pool is open from 8:00 a.m. to 9:00 p.m. daily. (Exhibit A.)

22. The rules further state "Hours of use are posted. Please comply to give everyone the opportunity to enjoy the pool." (Exhibit A.)

23. From approximately June 2016 to the present, the pool schedule provided that the use of the pool would be segregated and restricted on the basis of gender, with the exception of all day Saturday and 1:00 p.m. to 3:00 p.m. Sunday through Friday. (Exhibit A.)

24. The by-laws of A Country Place Condominium Association state that a husband and wife over the age of 55 may occupy a unit, along with any children 19 or over.

25. Plaintiffs Steve Lusardi and Diana Lusardi are both over 55 and their son Jason is over the age of 19.

26. The Lusardis are all valid residents according to the by-laws.

27. Based on information and belief, the community is comprised of 376 units.

28. The "General Information and Regulations of A Country Place Condominium Association," dated September 2008 contain provisions governing pool usage.

29. The regulations relating to the pool do not authorize gender segregation, but rather state:

SWIMMING POOL

Pool hours are from 10:00 a.m to 8:00 p.m. Use of the pool is limited to residents and their guests. Badges may be obtained at the office. The pool rules are posted poolside.

30. On June 16, 2016 Plaintiff Steve Lusardi attended a Board meeting of A Country Place and read the statement.

31. In the statement Plaintiffs Steve Lusardi advised the Board that he moved back to A Country Place because the pool would be very therapeutic for his disabled wife.

32. Plaintiffs Steve Lusardi asked the Board to explain its implementation of the schedule and specifically advised the Board that federal law prohibits discrimination based on gender.

33. In spite of the schedule Plaintiffs Steve Lusardi and Diana Lusardi used the pool during gender segregated hours.

34. In retaliation Plaintiffs Steve Lusardi and Diana Lusardi received a \$50.00 fine for an alleged violation of the "regulations." (A true and accurate copy is attached as Exhibit B.)

35. In response to the fine Plaintiff Steve Lusardi advised the board by letter dated July 1, 2016 that the by-laws contained no provisions regarding violations, the fining process or fines for offenses.

36. Plaintiff Steve Lusardi asked the Board "When was my hearing?"

37. Plaintiff Steve Lusardi asked the Board if it would follow federal law that prohibits discrimination based on gender.

38. Effective July 17, 2016 the pool schedule was modified, but the hours of gender segregation remained the same. (A true and accurate copy is attached as Exhibit C.)

39. On July 21, 2016, Jason Lusardi, a legal resident of A Country Place, attended a meeting of the Board and he was not permitted to speak.

40. Jason Lusardi, who holds power of attorney for Plaintiff Diana Lusardi and is one of her caretakers was permitted to speak at a prior meeting on July 16, 2016.

41. Jason Lusardi is authorized by Plaintiff Diana Lusardi to speak on her behalf at Association meetings.

42. In response Plaintiff Steve Lusardi wrote a letter dated July 22, 2016 to the Board that requested that it explain its authority to prevent Jason Lusardi from speaking at a meeting.

43. On July 27, 2016 Plaintiff Steve Lusardi received a letter from the Board responding to some of his inquiries. (A true and accurate copy is attached as Exhibit D.)

44. The letter did not outline the authority for the pool schedule or fines other than to state "ACP is a private Association and as per counsel we are well within our rights to serve the vast majority of the community (even though we also provide and are considerate for the

minority). You are inconsiderate of the majority and wish for minority rule. That is not our community." (Exhibit D.)

45. In addition, with regard to preventing Jason Lusardi from speaking, the letter stated, "only Home Owners are permitted to attend Open Meetings." (Exhibit D.)

46. However, the by-laws do not have such a provision.

47. On July 24, 2016 Plaintiff Steve Lusardi exited the pool was told to "Cover Up" by the Board Treasurer, Fay Engelman, even though he was fully clothed and wearing a shirt, a bathing suit and sandals.

48. Ms. Engelman pointed to new rule posted on the lobby door stating, "If going into the pool please enter lobby in proper attire."

49. Plaintiff Steve Lusardi memorialized this incident in a letter to the Board dated July 28, 2016.

50. On July 31, 2016 Plaintiff Steve Lusardi wrote to the Board again and asked for the fine schedule for pool violations.

51. Plaintiff Steve Lusardi also requested documentation of a claim made by the Board at a June meeting that 200 members requested the pool schedule.

52. On August 4, 2016 Plaintiff Steve Lusardi received a notice presumably sent to all members of the Association. (A true and accurate copy is attached as Exhibit E.)

53. The notice appears to be in large part directed to the Plaintiffs.

54. The notice states without authority that only homeowners can attend Open Meetings. (Exhibit E.)

55. The notice discusses a sliding scale of \$50, \$100, and \$250 for violations and also states:

Another fee which we impose which has been oft discussed is a sliding scale fee where you restrict the rights of other Homeowners. This violates the basic acceptance of the rights of others, which you feel your rights have priority to others. The vast majority of Homeowners have asked for separate swimming hours. They have also asked for separate hours for only adult resident swimming. We have provided that as well as provided All resident mixed swim for those few who want it. We have done that in an equitable and fair manner.

When there is a blatant violation we have imposed a sliding scale. \$50 the first offense, \$100 the second offense and \$250 the third offense. People have paid the fees and have agreed to live in according to the will of the vast majority. We ask that you respect people's religious and cultural preferences so that an issue of a fine never comes up. Our pool, for example, cannot support or be pleasurable when grandparents bring more than 3-4 grandchildren, or when during separate hours you decide to intrude and cause people to have to leave because you violate their religious beliefs. During Adult Resident swim time, please don't come with your daughters or granddaughters or friends. Please have respect and courtesy. This is a private association of senior Homeowners, not a public action park.

(Exhibit E.)

56. Prior to the filing of the lawsuit, Plaintiffs Steve and Diana Lusardi were merely seeking a little more than 2 hours at the pool to conduct physical therapy due to Diana Lusardi's disability.

57. Plaintiff Steve Lusardi and his son, Jason Diana have been harassed, intimidated, and have received threats of violence within their community due to their complaints regarding the pool.

58. As of August 15, 2016 Plaintiffs Steve and Diana Lusardi have listed their home for sale solely due to the gender segregation in the pool and what has transpired as a result.

59. Plaintiff Marie Curto is 60 years old.

60. Plaintiff Marie Curto is a unit owner at A Country Place and her address is 19 A

~~Cactus Drive, Lakewood, NJ 08701~~

61. One of the reasons Plaintiff Marie Curto purchased her residence was so she could use the pool with her family.

62. On or about June 28, 2016 Plaintiff Marie Curto was issued a \$50.00 fine by the Board for "Violation of Pool Policy." (A true and accurate copy is attached as Exhibit F.)

63. Though not stated in the June 28, 2016 letter, the fine was issued because Plaintiff Marie Curto used the pool during gender segregated hours.

64. After Plaintiff Marie Curto received the fine she made three written requests between June 28, 2016 and July 21, 2016 for a meeting with the Board to dispute the fine and discuss the pool hours.

65. On July 21, 2016 the Board replied to my email, stating that (1) the Board was unable to meet with her, (2) the "pool [hours] meet the requirements of current residents," and (3) the fine was issued because on Friday, June 24, 2016 she refused to leave the pool during men swim hours at 4:30 p.m.

66. On July 22, 2016 Plaintiff Marie Curto sent an email to the Board outlining various concerns, including the following:

- a. Having segregated swimming for all but two hours on Sunday was unfair to married couples and working people;
- b. The swimming hours should have been put up for a vote;
- c. The segregated swimming hours are discriminatory;
- d. The community did not have an ADR system in place in accordance with NJ state law, and the Board was refusing to meet with her.

67. On July 27, 2016 the Board responded to Plaintiff Marie Curto regarding the pool hours as follows:

It is you that is unfair to the vast majority of our residents. The vast majority of people would not want any mixed gender swim hours at all. That is the community you live in.

The vast majority of people would abolish any mixed swimming, because that is the will of the majority. As an accommodation to the minority, you have almost 30 percent of the hours as well as women can always come during women's hours and men during men's hours. To give you more on Sunday would be to take away from the majority (much more than 70% of people).

68. Plaintiff Marie Curto is not yet retired.

69. Plaintiff Marie Curto is employed full-time in Freehold, NJ and has a 30 minute commute.

70. Plaintiff Marie Curto's work hours are Monday through Friday, 8:30 a.m. to 4:30 p.m.

71. Due to Plaintiff Marie Curto's work schedule she has very little opportunity to use the pool Monday through Friday.

72. Plaintiff Marie Curto's son had previously swam with her after work, but she is now unable to do that now due to the pool schedule.

73. The current by-laws were enacted in 2010 and subject the A Country Place Condominium Association to the provisions of the Condominium Act, N.J.S.A. 46:8B-1 to -38.

74. According to the by-laws, each unit has one vote and the Association is comprised of all condominium unit owners or members.

75. The term a "majority of members" is defined in the by-laws as "the majority of votes cast."

76. The by-laws further state as follows:

16. **RULES OF CONDUCT.** Rules and regulations concerning the use and occupancy of the dwelling units and common areas and facilities may be promulgated and amended by the Board of Directors with the approval of a majority of votes cast by members. Copies of such rules and regulations shall be furnished by the Board of Directors to each member prior to the time when the same shall become effective.

18. **ASSESSMENT OF FINES.** The Board of Directors shall have the authority to assess fines for the violation of any of the provisions of the Master Deed, By-Laws, or Rules & Regulations.

77. The by-laws, however, do not contain any provisions relating to the amount of fines, a system for the imposition of fines, or a dispute resolution procedure to challenge a fine.

78. The Regulations of the Association as well as the "Pool schedule and rules for summer 2016" nowhere indicate that fines will be imposed for violating informally posted pool rules or the gender segregated schedule.

COUNT I

(Federal Fair Housing Act – Sex Discrimination)

1. The Plaintiffs repeat each and every allegation of the Factual Allegations as if same were set forth herein at length.

2. The Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., as amended, prohibits discrimination in housing because of race, color, religion, sex, national origin, familial status, or disability.

3. Specifically, pursuant to 42 U.S.C. § 3604(b) it is unlawful: To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

4. In addition, the accompanying federal regulations codified at 24 C.F.R. § 100.65(b)(4), state that prohibited actions include: Limiting the use of privileges, services or facilities associated with a dwelling because of race, color, religion, sex, handicap, familial status, or national origin of an owner, tenant or a person associated with him or her.

5. Pursuant to 42 U.S.C. § 3617, it is unlawful to interfere, threaten, or coerce persons in the exercise of their fair housing rights.

6. Pool usage restrictions have been universally held to be a blatant violation of the above referenced federal statute and regulations.

7. Defendants pattern of conduct has created a hostile housing environment.

8. Defendants pattern of conduct has been negligent, grossly negligent, reckless, willful, and with a callous disregard of or indifference to the Plaintiffs' rights.

9. Defendants acted with knowledge that their actions violated the law or with reckless indifference to the Plaintiffs' rights.

WHEREFORE, Plaintiffs demand judgment against the Defendants, including:

- A. Permanent injunctive relief prohibiting Defendants from directly or indirectly proposing, implementing or enforcing common area gender segregation rules, regulations, by-laws and/or changes to the master deed;
- B. Permanent injunctive relief prohibiting Defendants from issuing violation notices, fines or sanctions, monetary or otherwise, when males use the community pool in the presence of females, or when females use the community pool in the presence of males;
- C. Voiding past and present pool schedules segregated by gender and any previously issued violation notices, fines or sanctions, monetary or otherwise, to any person for violation of the "A Country Place Pool Schedule 2016;"
- D. Voiding ab initio the violation notices and fines issued on June 28, 2016 to Plaintiff Marie Curto and Plaintiffs Steve and Diana Lusardi;
- E. Compensatory and consequential damages, including out-of-pocket financial losses, loss of use of opportunity and amenities, pain and suffering, emotional distress, mental anguish and humiliation, and other incidental damages;
- F. Pre- and post-judgment interest;
- G. Punitive damages;
- H. Attorney fees and costs of suit; and

- I. For other such relief as authorized by law and statute that the Court deems equitable and just.

COUNT II

(New Jersey Law Against Discrimination)

1. The Plaintiffs repeat each and every allegation of this verified complaint as if same were set forth herein at length.

2. The New Jersey Law Against Discrimination N.J.S.A. 10:5-4 provides that "All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex or source of lawful income used for rental or mortgage payments, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right."

3. Defendants' conduct outlined in the Factual Allegations and Count I and II also violated the New Jersey Law Against Discrimination.

WHEREFORE, Plaintiffs demand judgment against the Defendants, including:

- A. Permanent injunctive relief prohibiting Defendants from directly or indirectly proposing, implementing or enforcing common area gender segregation rules, regulations, by-laws and/or changes to the master deed;
- B. Permanent injunctive relief prohibiting Defendants from issuing violation notices, fines or sanctions, monetary or otherwise, when males use the community pool in the presence of females, or when females use the community pool in the presence of males;
- C. Voiding past and present pool schedules segregated by gender and any previously issued violation notices, fines or sanctions, monetary or otherwise, to any person for violation of the "A Country Place Pool Schedule 2016;"

- D. Voiding ab initio the violation notices and fines issued on June 28, 2016 to Plaintiff Marie Curto and Plaintiffs Steve and Diana Lusardi;
- E. Compensatory and consequential damages, including out-of-pocket financial losses, loss of use of opportunity and amenities, pain and suffering, emotional distress, mental anguish and humiliation, and other incidental damages;
- F. Pre- and post-judgment interest;
- G. Punitive damages;
- H. Attorney fees and costs of suit; and
- I. For other such relief as authorized by law and statute that the Court deems equitable and just.

COUNT III

(Violation of the Condominium Act)

1. The Plaintiffs repeat each and every allegation of this verified complaint as if same were set forth herein at length.
 2. Defendants actions in instituting and enforcing the gender segregated pool rules and regulations were not lawfully voted on by the Association.
 3. Defendants actions in instituting and enforcing the gender segregated pool rules and regulations were not authorized by law, the master deed, by-laws, and rule and regulations and are void and unenforceable.
 4. Defendants issuance of fines without a dispute resolution process is contrary to provisions of the Condominium Act.
 5. The Condominium Act provides at N.J.S.A. 46:8B-14 that the Association must provide and "fair and efficient" means for unit owners to resolve disputes between one another or against the Association.
-

6. The law also requires condominium associations to provide written notice of dispute resolution as a condition of issuing a fine. N.J.S.A. 46:8B-15f.

WHEREFORE, Plaintiffs demand judgment against the Defendants, including:

- A. Permanent injunctive relief prohibiting Defendants from directly or indirectly proposing, implementing or enforcing common area gender segregation rules, regulations, by-laws and/or changes to the master deed;
- B. Permanent injunctive relief prohibiting Defendants from issuing violation notices, fines or sanctions, monetary or otherwise, when males use the community pool in the presence of females, or when females use the community pool in the presence of males;
- C. Voiding past and present pool schedules segregated by gender and any previously issued violation notices, fines or sanctions, monetary or otherwise, to any person for violation of the "A Country Place Pool Schedule 2016;"
- D. Voiding ab initio the violation notices and fines issued on June 28, 2016 to Plaintiff Marie Curto and Plaintiffs Steve and Diana Lusardi;
- E. Compensatory and consequential damages, including out-of-pocket financial losses, loss of use of opportunity and amenities, pain and suffering, emotional distress, mental anguish and humiliation, and other incidental damages;
- F. Pre- and post-judgment interest;
- G. Attorney fees and costs of suit; and
- H. For other such relief as authorized by law and statute that the Court deems equitable and just.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues so triable.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Jose D. Roman, Esq. has been designated as trial counsel on

~~behalf of the Plaintiffs in the above captioned matter.~~

CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of the filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or arbitration proceeding.

POWELL & ROMAN, LLC
131 White Oak Lane
Old Bridge, New Jersey 08857
Tel: (732) 679-3777
Attorneys for Plaintiffs

By: _____

Jose D. Roman, Esq.

Dated: 8/29/16

VERIFICATION

We, Marie Curto and Steve Lusardi, of full age, hereby certify as follows;

1. We are unit owners and residents at the condominium community commonly knows as A Country Place in Lakewood, New Jersey and have personal knowledge of the facts contained in the Verified Complaint.

2. We have read the foregoing Verified Complaint to verify that the facts stated therein, and except for those based upon our information and belief, the facts stated therein are true based upon our personal knowledge.

I certify that the above-statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated:

8/29/16

Marie Curto
Marie Curto

Dated:

8/29/16

Steve Lusardi
Steve Lusardi

A Country Place Pool Schedule 2016

		Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
	8:00-11:00am	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	All Residents All Day	8:00-11:00am
	11:00am-1:00pm	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim		11:00am-1:00pm
	1:00-3:00pm	All Residents	All Residents	All Residents	All Residents	All Residents	All Residents		1:00-3:00pm
Adults Only	3:00-4:00pm	Ladies Swim Adult Residents Only					Ladies Swim		3:00-4:00pm
	4:00-5:00pm	Ladies Swim					Mens Swim		4:00-5:00pm
	5:00-6:45pm	Ladies Swim	Mens Swim	Ladies Swim	Mens Swim	Ladies Swim			6:45pm
	6:45-9:00pm	Mens Swim							6:45-9:00pm

CHILDREN MUST BE ACCOMPANIED BY AN ADULT (18 & over) AT ALL TIMES.

Guests are allowed if accompanied by resident.

There will be a security/safety guard during afternoon hours.

Only fully trained grandchildren (no "swimmers" or diapers whatsoever at any time are allowed in the pool).

Ex. A

A

Pool schedule and rules for Summer 2016.

- 1) Pool hours are from 8:00am to 9:00pm and are listed on the Pool Schedule which has been posted.
- 2) The entrance to the Pool is the Club house front door of lobby
- 3) You will need a key fob to enter the pool area.
- 4) Key fobs are available in the office for \$10.00, one per resident.
- 5) If someone enters the pool area without using the key fob an alarm will sound alerting the residents at the pool that an unauthorized person is trying to enter.
- 6) Each unit is allowed 3 guests but they must be accompanied by their "HOST". Please be courteous, and follow the rule as we all wish to enjoy our pool without it being overcrowded by guests....
- 7) Hosts, please ask your guests to cooperate and not go unattended without you.
- 8) Children in diapers or swim pants or those not toilet trained are never allowed in the water.
- 9) We will have a security guard to monitor and make sure that rules are followed.
- 10) Hours of use are posted. Please comply to give everyone the opportunity to enjoy the pool..
- 11) ~~Lights Shut Off at 9:15pm~~

The pool is there to be enjoyed by HomeOwners. Please do not abuse the privileges we have.

Ex. B

B

A COUNTRY PLACE
CONDOMINIUM ASSOCIATION
1400 South Lake Drive
Lakewood, NJ 08701
732-364-5924 (phone), 732-364-9070 (fax)
acountryplace11@optimum.net

June 28, 2016

Lusardi
1 C Carnation Drive
Lakewood, NJ 08701

Re: Violation of Pool Policy

A Country Place is subject to By-Laws and regulations established for the well-being of the Homeowners who live here. The owners are over 55 and have come here to relax and enjoy the facilities that are offered.

You and/or your guests have disregarded the specific regulations put in place to make our pool a place where people can enjoy.

This occurred although you/they were told at the time specifically to abide by the rules.

As this is a first offense you are subject to a \$50 first time fine, which will need to be paid immediately. We hope there will be no subsequent violations.

Please have respect for all the members of the community and the rules and regulations put in place to serve all.

Signed,

ACP
Board of Directors

Ex. C

C

A Country Place Pool Schedule 2016

effective - July 17, 2016

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
8:00-11:00am	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	8:00-11:00am
11:00am-1:00pm	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	11:00am-1:00pm
1:00-3:00pm	All Residents	All Residents	All Residents	All Residents	All Residents	All Residents	1:00-3:00pm
3:00-4:00pm	Ladies Swim Adult Residents Only	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	3:00-4:00pm
4:00-5:00pm	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	Ladies Swim	4:00-5:00pm
5:00-6:00pm	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	5:00-6:00pm
6:00-6:45pm	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	6:45pm
6:45-9:00pm	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	Mens Swim	6:45-9:00pm

Guests are allowed if accompanied by resident - except at designated hours.
 CHILDREN MUST BE ACCOMPANIED BY AN ADULT (18 & over) AT ALL TIMES
 One adult cannot come with 3-4 children and swim at the same time.
 Adults who accompany the children have to SUPERVISE them at all times.
 Only fully trained grandchildren no "swimmers" or diapers are ever allowed in the pool.

Ex. D

D

A COUNTRY PLACE
CONDOMINIUM ASSOCIATION

1400 South Lake Drive
Lakewood, NJ 08701
732-364-5924 (phone), 732-364-9070 (fax)
acountryplace11@optimum.net

July 27 2016

Mr. Luscardi
1-C Carnation Drive
Lakewood, NJ 08701

Dear Mr. Luscardi,

As to your note to the Board which we was received in or around July 21, 2016.

Fines are referenced in the By-Laws and Rules and Regulations.

Your question #1 assumes a violation and fine process and yet you deny the right of the Board to fine you when you act contrary to the rights of HomeOwners. You were warned not to proceed and did so at your own expense.

As answered at the Open Meeting if you had any concern regarding your safety at that time you should have called the police at the time. Your accusation is specious and spurious.

ACP is a private Association and as per counsel we are well within our rights to serve the vast majority of the community (even though we also provide and are considerate for the minority). You are inconsiderate of the majority and wish for minority rule. That is not our community.

As to your question on July 22, 2016, we were advised by our counsel that as stated only Home Owners are permitted to attend Open Meetings. We were courteous and did not remove your son from that meeting (even though he lied and said he was a HomeOwner which is not true) because you were unaware of that law. Please do not have him attend again.

Signed,

ACP

Board of Directors

Ex. E

E

Here are some other items that we all should be aware of. We are a non-profit membership corporation and as such our Open Meetings are open, but just to Homeowners. They are private and restricted to our membership. That means all Homeowners... but no one else. If you have a child residing with you or a caregiver, or guest staying with you, invite him to the pool if you wish, but he/she cannot attend our Open Meetings. They cannot attend the meeting and we cannot proceed with the meeting if they are in attendance. Please respect all Homeowners as you are part of a Condominium Association.

The questions of fines have been raised. Leisure Village shared with us over 70 circumstances when they impose specific fines. We have very few and are proud that we don't impose so many. However, among those that we do need to impose are the fines for late payment of Association fees (\$50) for each month where fees are paid beyond the 7th of the month. (FYI, you can easily have your bank issue recurring payments each month for the \$215 and it costs you no money to do it. Ask your bank. They all do it.)

Another fee which we impose which has been oft discussed is a sliding scale fee where you restrict the rights of other Homeowners. This violates the basic acceptance of the rights of others, where you feel your rights have priority to others. The vast majority of Homeowners have asked for separate swimming hours. They have also asked for separate hours for only adult resident swimming. We have provided that as well as provided All resident mixed swim for those few who want it. We have done that in an equitable and fair manner.

When there is a blatant violation we have imposed a sliding case. \$50 the first offense, \$100 the second offense and \$250 the third offense. People have paid the fees and have agreed to live in according to the will of the vast majority. We ask that you respect people's religious and cultural preferences so that an issue of a fine never comes up. Our pool, for example, cannot support or be pleasurable when grandparents bring more than 3-4 grandchildren, or when during separate hours you decide to intrude and cause people to have to leave because you violate their religious beliefs. During Adult Resident swim time, please don't come with your daughters or granddaughters or friends. Please have respect and courtesy. This is a private association of senior Homeowners, not a public action park.

Elections are coming up in October. If you want to be considered for election to the Board of Directors please submit your resume by August 20, 2016 to the office so that you can be considered as a nominee. Remember that being a Board of Director member means you are volunteering your free time to participate in helping your fellow Homeowners.

CALLER REC'D AUG 4, 2016

Ex. F

F

**A COUNTRY PLACE
CONDOMINIUM ASSOCIATION**

1400 South Lake Drive
Lakewood, NJ 08701
732-364-5924 (phone), 732-364-9070 (fax)
acountryplace11@optimum.net

June 28, 2016

Marie Curto
19 A Cactus Drive
Lakewood, NJ 08701

Re: Violation of Pool Policy

A Country Place is subject to By-Laws and regulations established for the well being of the HomeOwners who live here. The owners are over 55 and have come here to relax and enjoy the facilities that are offered.

You and/or your guests have disregarded the specific regulations put in place to make our pool a place where people can enjoy.

This occurred although you/they were told at the time specifically to abide by the rules.

As this is a first offense you are subject to a \$50 first time fine, which will need to be paid immediately. We hope there will be no subsequent violations.

Please have respect for all the members of the community and the rules and regulations put in place to serve all.

Signed,

ACP

Board of Directors

Please describe in detail what was 7/15/16
~~done & where was fines listed. Please~~
reply in writing

Thank You
Marie Curto

July 17th change fxs again but not for mixed gender.